

**Before the State of South Carolina  
Department of Insurance**

In the matter of:

Julie K. McDowell  
525 Junts Bridge Road  
Greenville, South Carolina 29611  
File Number 2000-112410; 113452.

**Default Order Revoking  
Resident Insurance Agent's License**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2000), by the State of South Carolina Department of Insurance upon Julie McDowell by both certified mail, return receipt requested, and by regular mail on September 13, 2002.

By that letter, Ms. McDowell was informed of her right to request a public hearing upon the allegations of impropriety contained within the letter against her. Further, she was warned that her failure to make a timely, written request would result in my summary revocation of her license to do business as a resident insurance agent within the State of South Carolina. **Despite that warning, Julie McDowell has failed to respond to the Department's letter. McDowell has failed to provide the Department with a current address in violation of S.C. Code Ann. § 38-43-107 (1989), and the United States Postal Service returned as undeliverable the letter sent by the Department.** On September 24, 2002, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance agent within the State of South Carolina, Julie McDowell was convicted by the South Carolina Circuit Court of General Sessions, Greenville County, of "Fraudulent Check" (2 counts) on June 9, 1995. On June 16, 1998, of "Breach of Trust with Fraudulent Intent"/more than \$1,000.00. In 1999, with 5 counts of Shoplifting; Public Disorderly Conduct on July 8 and another Shoplifting conviction on January 6, 2001.

S.C. Code Ann. § 38-43-130 (Supp. 2000) provides: "The director or his designee may revoke or suspend an agent's license after ten day's notice...when it appears that an agent has been convicted of a crime of moral involving moral turpitude..." The crime of Breach of Trust with Fraudulent Intent involves moral turpitude. In re Derrick, 301 S.C. 367, 392 S.E.2d 180 (1990).

In accordance with my findings of fact, and considering Julie McDowell's failure to avail herself of her opportunity to be heard, I now conclude, as a matter of law, that Ms. McDowell was convicted of a crime of moral turpitude, and that her resident insurance agent license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-40-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (4) (Supp. 2000).

It is therefore ordered that Julie McDowell's license to transact business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license, issued through the State of South Carolina Department of Insurance is to be issued to her.

It is further ordered that a copy of this order be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Julie McDowell is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order takes effect upon the date of my signature below.

A handwritten signature in black ink, appearing to read "E. N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar  
Director

1 October 2002, at  
Columbia, South Carolina